



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

SMC
Docket No: 02894-99
22 October 1999

SSGT [REDACTED] USMC
[REDACTED]

Dear Staff Sergeant [REDACTED]

7167213
This is in reference to your application dated 19 April 1999, seeking reconsideration of your previous application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. Your previous case, docket number 08128-96, was denied on 18 December 1996.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, reconsidered your case on 21 October 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your current application, together with all material submitted in support thereof, the Board's file on your prior case, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the memorandum from Headquarters Marine Corps dated 29 June 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. The new supporting statements did not persuade the Board that your new noncommissioned officer in charge for the last month of the reporting period in question was biased against you, or that he unduly influenced your evaluation by the reporting senior. In this connection, they particularly noted that your immediately following report from the same reporting senior, for 1 January to 2 February 1996, was an excellent to outstanding evaluation stating you had made "REMARKABLE improvement since end of last reporting period." In view of the above, the Board again voted to deny relief. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure

